

**Response to First Office Action**  
Docket No. 020.0342.US.CON

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

JUN 11 2004

# OFFICIAL

*In re* Application of  
5 Bardy, Gust H. ) Group Art Unit: 3762  
Serial No. 10/646,038 ) Examiner: George Manuel  
Filed: August 22, 2003 )  
10 For: System And Method For Diagnosing And )  
Monitoring Outcomes Of Atrial Fibrillation )  
For Automated Remote Patient Care )

**RESPONSE TO FIRST OFFICE ACTION**

15 Assistant Commissioner for Patents  
Alexandria, VA 22313-1450

Dear Examiner Manuel:

20 In response to the Office action mailed on May 24, 2004, for the above-referenced patent application, please consider the following remarks.

Claims 1-31 are pending. No claims have been amended. No new matter has been entered.

Applicant's representative thanks the Examiner for the telephonic interview of June 10, 2004, wherein was discussed the double-patenting rejection and Information Disclosure Statements of record.

An Information Disclosure Statement (IDS) was filed on April 28, 2004, prior to the mailing date of a first Office action under 37 C.F.R. 1.104, but a copy of an initialed Form PTO-1449 was not included with the Office action. In addition, an IDS was also filed on August 22, 2003, consisting of five pages of Form PTO-1449. A copy of an initialed Form PTO-1449 for the fifth page was not included with the Office action. Informational copies of these two IDSs are attached. Acknowledgement of the IDSs is respectfully requested per 37 C.F.R. 1.97(c).

Claims 1-31 stand rejected under the judicially-created doctrine of obviousness-type double patenting over claims 1-31 of commonly-assigned U.S.

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Patent No. 6,411,840 ('840), issued June 25, 2002 to Bardy. A Terminal Disclaimer is enclosed disclaiming the terminal part of any patent granted on the instant patent application that would extend beyond the expiration date of the '840 patent. Withdrawal of the rejection for double-patenting is respectfully requested.

5 The prior art made of record and not relied upon has been reviewed by the applicant and is considered to be no more pertinent than the prior art references already applied.

10 Claims 1-31 are believed to be in a condition for allowance. Entry of the foregoing amendments is requested and a Notice of Allowance is earnestly solicited. Please contact the undersigned at (206) 381-3900 regarding any questions or concerns associated with the present matter.

Respectfully submitted,

15 Dated: June 11, 2004

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OA Response

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